

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, ZBA FY2012-00025, to construct a new, owner-occupied two family dwelling under Section 3.321 of the Zoning Bylaw, at Potwine Lane (Map 22B, Parcel 48, R-O Zoning District), with the following conditions:

Ownership

1. Prior to the issuance of a Certificate of Occupancy, proof of filing at the Registry of Deeds of the Master Deed and any other documents associated with the condominium units, such as a Rules and Regulations, shall be submitted to the Planning Department and kept on file with this permit. The Master Deed and Declaration of Trust shall be substantially similar to those stamped approved by the Zoning Board of Appeals on October 2, 2012.
2. One unit shall be owner-occupied. However, said owner-occupied unit may be rented for a period not to exceed one year duration with a minimum one year intervals of owner occupancy between rental periods.
 - a. When any unit is rented, a copy of the signed lease shall be filed with the Amherst Planning Department.
 - b. The owner of the second unit must approve the tenants and have an opportunity to review the lease. Evidence of the agreement between the owners, which may not be unreasonable withheld, shall be filed with the Amherst Planning Department. Such evidence may, but need not, take the form of a signed lease with the addition of a hand-written, signed indication of approval.
3. In the event that both dwelling units become non-owner-occupied (including but not limited to when the owner-occupied unit is rented for more than one year), this permit shall expire and a new Special Permit shall be required.

Use

4. The interior of both dwelling units shall be built and each room utilized substantially in accordance with the floor plans, prepared by Simplex Industries, Inc., dated February 2, 2012 and stamped approved by the Zoning Board of Appeals on October 2, 2012.
5. The owners of the units and/or the Condominium Association shall be responsible for the following:
 - a. Snow removal and general maintenance of the driveway and parking areas.
 - b. Storage of trash and recycling containers in the garage or in the basement of each unit.
 - c. Maintenance of the exterior of the buildings.
6. There shall be no more than six vehicles parked on the premises on a regular basis.

Site plan

7. Prior to the issuance of the permanent Certificate of Occupancy, all exterior site improvements, except for the garage, shall be built substantially in accordance with the survey prepared by Harold Eaton Associates, last revised on September 27, 2012, and stamped approved on October 2, 2012. Any substantial changes shall be reviewed and approved by the Zoning Board of Appeals at a public meeting.
8. The garage shall be constructed within one year from the issuance of the Certificate of Occupancy. In the event that the garage is not constructed, the owner shall appear before the Zoning Board of Appeals at a public meeting for the Board to determine whether any aspect of the approval is affected by the change.
9. The driveway and parking area shall comply with the applicable requirements of Section 7.101 of the Zoning Bylaw.
10. The grading on the property shall be substantially in accordance with the Cut and Fill Analysis, prepared by Berkshire Design Group, dated September 12, 2012, and stamped approved on October 2, 2012. In the event that it is found that the fill needed exceeds the thresholds under Section 5.10 of the Zoning Bylaw, the applicant shall appear before the Zoning Board of Appeals at a public meeting.

Landscaping

11. Prior to the issuance of a permanent Certificate of Occupancy, all landscaping, including the installation of arbor vitae with a minimum height of three feet for headlight screening shall be installed substantially in accordance with the survey prepared by Harold Eaton Associates, last revised on September 27, 2012, and stamped approved on October 2, 2012. Any substantial changes shall be reviewed and approved by the Zoning Board of Appeals at a public meeting.
12. The landscaping shall be maintained continuously, including routine mowing, removal of weeds and weed trees, and the routine pruning of shrubbery to avoid deterioration of the streetscape; any dead vegetation shall be replaced with an equivalent or similar species.

Exterior


13. The dwelling shall be constructed substantially in accordance with the elevations, prepared by Simplex Industries, Inc., dated February 2, 2012 and stamped approved by the Zoning Board of Appeals on October 2, 2012. Any substantial changes shall be reviewed and approved by the Zoning Board of Appeals at a public meeting.
 - a. The color of the siding for the new building shall be substantially similar to the color, Desert Tan, as shown on the approved color swatch.
14. The garage shall be constructed substantially in accordance with the plans and elevations, titled BEHM Design Plan, dated and stamped approved on October 2, 2012.

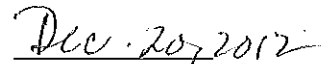
Lighting

15. All exterior lighting shall be designed or arranged to be downcast.

General

16. Prior to the issuance of a building permit for any other accessory structure, such as a swimming pool or shed, plans and information pertaining to its size, location and use shall be submitted to the Zoning Board of Appeals for review and approval at a public meeting.
17. Prior to any rental, the property shall be registered as a rental property in accordance with the Board of Health Rental Regulations.


Hilda Greenbaum, Acting Chair
Amherst Zoning Board of Appeals


DATE

Town of Amherst
Zoning Board of Appeals - Special Permit

DECISION

Applicant/Owner: Jeremy Ober, 8 Hockanum Road, Unit 14, Northampton, MA

Date application filed with the Town Clerk: May 17, 2012

Nature of request: To construct a new two family dwelling under Section 3.321 of the Zoning Bylaw

Address: At the corner of West Street and Potwine Lane (Map 22B, Parcel 48, R-O Zoning District)

Legal notice: Published on June 13, 2012 and June 20, 2012 in the Daily Hampshire Gazette and sent to abutters on June 6, 2012

Board members: Hilda Greenbaum, Tom Ehrgood, Carolyn Holstein

Staff members: Jeff Bagg, Senior Planner, Dave Waskiewicz, Acting Building Commissioner, Robert Morra, Building Commissioner

Initial Submissions:

- ZBA application, received May 17, 2012
- Site Plan, prepared by Timothy Maginnis, dated February 16, 2012
- Elevations and Floor Plans, prepared by Simplex, dated February 8, 2012
- Management Plan

Submitted by Town staff:

- Project Application Report, dated June 15, 2012
- Design Review Board criteria, Section 3.2040 & 3.2041
- Approval Not Required (ANR), 2009-00003, submitted by Town staff
- Town GIS zoning map of the site

Site Visit: June 18, 2012

Hilda Greenbaum, Tom Ehrgood, and Carolyn Holstein met the applicant, Jeremy Ober, on-site. The Board members observed the location of the property at the southeast corner of West Street and Potwine Lane, and the following:

- The vacant lot containing several mature trees and an area of wetlands in the south east corner.
- A significant downward slope down from West Street to the buildable portion of the lot.
- The location of the single family dwelling immediately to the east of the property.

Public Hearing: June 21, 2012

The following new and/or revised information was submitted prior to or at the public hearing:

- Site plan, prepared by Harold Eaton Associates, dated June 18, 2012, including a table of dimensional requirements.

- Draft Master Deed and Declaration of Trust and Draft Rules and Regulations, received June 21, 2012, prepared by Barbara Hawley.
- Town GIS map showing preliminary review of topography.

Jeremy Ober was accompanied by surveyor, Randy Izer of Harold Eaton Associates. Mr. Izer described the proposal in terms of the site plan, dated June 18, 2012, as follows:

- The proposal includes the construction of a two family dwelling with the front of each unit facing West Street with the driveway access from West Street.
- The site plan shows two areas for parking and vehicle maneuvering in front of each unit. The parking areas are 18 feet long by 20 feet wide and each provide one parking space and one turn around area to prevent cars from having to back onto West Street. Additionally, there are two parking spaces in each of the one car garages provide a total of six parking spaces.
- Landscaping is provided at the foundation of the building and in front of each porch. A row of arbor vitae will be installed adjacent to the parking areas to provide screening of vehicle headlights. An area of arbor vitae is also proposed at the rear of the units to separate the outdoor space for each unit.
- The Conservation Commission approved the enhancement of an existing swale along the south and west property line. The swale will allow drainage from the roof and driveway to sheet flow over the lawn and into the drainage area.
- The site plan shows compliance with all of the applicable dimensional requirements including lot frontage, setbacks, and lot coverage. The area of the lot is 40,510 square feet; 40,000 square feet is required for two units in the Outlying Residence (R-O) Zoning District.

Mr. Ober described the proposal in terms of the submitted floor plans, as follows:

- The building will consist of two dwelling units, each with identical floor plans and consisting of a total of three bedrooms; one on the first floor and two bedrooms on the second floor.
- The design of the building consists of two sections, each with two stories, connected and joined by two one story garages in between.

The Board discussed the responsibility of the condominium association. Specifically, Ms. Greenbaum asked who would be responsible for the exterior building maintenance, landscaping maintenance and snow plowing. She also asked whether there was a need for a shared driveway agreement. Mr. Ober noted that his attorney, Barbara Hawley, had prepared a preliminary version of rules and regulations. The Board noted that the information was too preliminary and generic and determined that more formal information, such as a draft Master Deed or draft Condominium Association documents, should be provided.

The Board discussed the topography of the site. Ms. Holstein noted that Section 7.102 of the Zoning Bylaw states that *"driveways shall not have slopes exceeding 12 percent except within 30 feet of the road, in which case the slope shall not exceed 5 percent."* She asked whether the proposed driveway would comply with these requirements. Mr. Izer responded that he did not have specific information on the grade of the driveway. He stated that the proposal will involve the filling of portions of the property to bring up the grade and reduce the steepness of the driveway.

The Board discussed the amount of fill proposed to be brought onto the site. Ms. Holstein noted that Section 5.10 of the Zoning Bylaw states that *"Any filling of land accessory to the development of property, which raises the existing grade of any portion of a property 5,000 square feet or more*

in area by an average of two (2) feet or more, or any such filling which raises the existing grade of any portion of a property 2,000 square feet or more in an area by an average of five (5) feet or more shall require a Special Permit."

Ms. Holstein noted that no information or plans were provided showing the existing topography and areas of proposed fill and requested additional information in order for the Board to determine whether or not the amount of the fill is above the threshold for requiring a Special Permit.

The Board discussed the floor plans and elevations. The Board noted that the floor plans show a walk-out basement and a second floor deck, but the elevations do not reflect the same information. The Board requested that the elevations be updated to accurately reflect the proposal.

Ms. Greenbaum MOVED to continue the evidentiary portion of the public hearing to July 19, 2012. Ms. Holstein seconded the motion and the Board VOTED unanimously to continue the public hearing.

Public Hearing: *(Continued from June 21, 2012)* **July 19, 2012**

The following new information was submitted:

- Fill calculations, unsigned, received July 13, 2012
- Site plan, ZBA Special Permit, prepared by Harold Eaton Associates, last revised July 13, 2012
- Document entitled "Rental", received July 13, 2012

Prior to the public hearing, the applicant requested a continuation to September 13, 2012. No testimony was taken.

Public Hearing: *(Continued from July 19, 2012)* **September 13, 2012**

The following new and/or revised information was submitted prior to or at the public hearing:

- Site plan, prepared by Harold Eaton Associates, last revised September 4, 2012
- Revised fill calculations, undated and unsigned
- Updated Building Elevations and Floor Plans, prepared by Simplex, dated June 8, 2012
- Description of the Condominium, undated and unsigned
- Schedule A, Rules and Regulations, undated and unsigned
- Cut and Fill Analysis, prepared by Berkshire Design Group, dated September 12, 2012
- Proposed zoning amendment, Two Family Dwellings, dated September 11, 2012, submitted by Town staff
- Email from Building Commissioner, dated September 7, 2012
- Email from Town Engineer, dated July 16, 2012

The applicant, Jeremy Ober, was accompanied by Randy Izer, of Harold Eaton Associates. Mr. Izer stated that the location and design of the two family dwelling has changed substantially, as follows:

- The orientation of the two family dwelling has changed so that the front of the dwelling faces Potwine Lane.
- The front façade of the dwelling maintains two separate porches accessed by one common walkway. Additionally, the dwelling no longer includes a walk-out basement. Accordingly, the revised plan shows two separate decks, built slightly above grade, located at the rear of the building.
- The two garages originally positioned between the two units are removed from the structure and are now contained in a detached "carriage house."

- The location of the driveway access is relocated from West Street to Potwine Lane, as required by the Town Engineer. The revised site plan depicts the new driveway located on Potwine Lane as far away from the West Street intersection as possible.
- The driveway configuration includes one parking space per unit directly behind the units and one parking space per unit in front of the garage.

The Board discussed landscaping and determined that foundation plantings shown on the plan are adequate. Additionally, the Board determined that the two areas of arbor vitae along the driveway are appropriately placed to screen headlights from shining onto the adjacent property.

The Board discussed the amount of fill required for the project. Mr. Izer described the Cut and Fill analysis prepared by Berkshire Design Group. Based on the preliminary calculations, the amount of fill required is below the threshold which requires a Special Permit. The Building Commissioner recommended that an "as-built" plan be submitted prior to the issuance of a Certificate of Occupancy which certifies that the fill calculations remain below the threshold requiring a Special Permit.

The Board discussed whether the Conservation Commission needed to review or approve the new plans. Mr. Bagg stated that the Conservation Commission approved the creation of the drainage swale in 2011. Recently, the Conservation Commission determined that although the lower areas of the site are wet at times, they do not constitute a wetland or a resource area. It was concluded that the area of work was outside of the Conservation Commission jurisdiction.

The Board discussed the proposed detached garage. Although relatively far from the units, the Board determined that the garage location is suitable. The Board determined that the elevations for the garage should be provided to the Board at a public meeting. Additionally, the Board determined that, if any additional structures such as a shed or a pool were to be constructed on the property, plans and information for such structures shall be submitted to the Board for review and approval at a public meeting.

The Board discussed the proposed condominium documentation and whether the permit should require one or both of the units to be owner-occupied, summarized as follows:

- Mr. Ober stated that he intends to reside in one unit and sell the other unit. He re-iterated that the materials used in the construction of the unit will be higher-end and will preclude either of the units from being student rentals.
- Mr. Ehrgood expressed concern with only one unit being owner-occupied. Specifically, what could be done to protect the owner of one unit when the adjacent unit is a rental unit. Ms. Greenbaum stated that both units should be owner-occupied with the allowance that Mr. Ober, as the first owner, can rent out the other unit in the event it is not sold. This provision would not apply to subsequent owners of either unit.
- Mr. Morra stated that the application requested a permit for two individually owned units, and that the Board should consider a condition that requires both units to be owner-occupied. He stated that if there were changes to the arrangement, the Board should be informed and given the opportunity to review and determine if a new Special Permit is needed. Mr. Ehrgood suggested allowing a provision whereby Mr. Ober could rent the unit for a period of one year if he is unable to sell the unit. In this scenario, Mr. Ober could also seek an extension of this rental period for one additional year after which the permit would have to be modified.

- The Board discussed the potential that Mr. Ober would be unable to sell the second unit. If both units were required to be owner-occupied, he would not be in compliance with the permit. Requiring only one unit to be owner-occupied would be akin to the proposed Zoning Bylaw changes which create a separate use category for an owner-occupied two family dwelling. However, since the Zoning Bylaw does not classify uses based on ownership, the fact that the proposal is for condominiums is not covered in the Bylaw.
- The Board discussed the situation in which one unit is required to be owner-occupied but that unit owner desires to rent the unit for a specified period of time, such as during a sabbatical leave. The Board noted that other Special Permits contained provisions which allow a limited rental period for an owner-occupied unit.
- The Board ultimately determined that the submitted information still did not provide enough detail or clarity as to the responsibility of each owner with respect to condominium ownership. The Board requested additional information, including but not limited to a sample Master Deed and Rules and Regulations, in order to better understand how the responsibilities would be shared among the owners.

The Board discussed additional exterior changes proposed. Primarily, the Board discussed whether bulkheads should be included to provide access to the basements of each unit. It was determined that if a bulkhead is desired, revised elevations and site plan would need to be submitted for review and approval at a public meeting in order to ensure that the bulkheads are suitably located and conform to any required setbacks. The Board also determined that the construction of an accessory shed or other structure, such as a pool, would require review and approval at a public meeting.

The Board discussed exterior lighting. Ms. Holstein expressed concern as to whether the area between the back of the dwelling and the garage would be sufficiently lit. Mr. Ober stated that there would be a motion sensor light or similar fixture, on the front of the garage that would illuminate the driveway area. The Board requested a lighting plan be submitted along with the elevations for the garage.

The Board discussed the pending amendment to the Zoning Bylaw regarding two family dwellings. Mr. Bagg explained that the new language requires that the design be compatible with other dwellings in the neighborhood relative to footprint and appearance. The Board determined that the design, particularly with the removal of the garages, meets the intent of the pending zoning change.

Ms. Holstein MOVED to continue the evidentiary portion of the public hearing to October 2, 2012. Mr. Ehrgood seconded the motion and the Board VOTED unanimously to continue the public hearing.

Public Hearing: *(Continued from September 13, 2012)* **October 2, 2012**

The following new and/or revised information was submitted prior to or at the public hearing:

1. Letter from Bacon/Wilson, P.C., dated September 27, 2012, including a draft Master Deed and Declaration of Trust of Condominium.
2. ZBA FY2005-00004, and associated Master Deed documents, submitted by Town staff
3. Draft conditions for discussion, submitted by Town staff
4. Revised site plan, prepared by Harold Eaton Associates, last revised on September 27, 2012
5. Garage elevations and floor plans, titled BEHM Design Plans, dated October 2, 2012

The applicant, Jeremy Ober, was accompanied by attorney Tom Reidy of Bacon/Wilson P.C.

The Board noted that bulkheads have been added to the south side of each of the units in order to provide basement access from the outside.

The Board reviewed and discussed the elevations and floor plans for the proposed garage. The Board determined that the garage was of a sufficient size to included two vehicles as well as storage for other items such as trash containers, bicycles, etc.

The Board discussed at length the submitted condominium documentation. Attorney Reidy stated that collectively the Master Deed and Declaration of Trust ensures adequate maintenance of the land and the driveway and other common elements, such as the lawn areas. It was noted that the applicant will be the owner of the property until the association is formed. At that time, the Trust will exist as a separate legal entity from the individual unit owners. It was further noted that the Special Permit will not expire upon change of ownership so long as one of the unit remains owner-occupied.

The Board discussed owner occupancy. The Board reiterated that the proposal was originally for two owner-occupied units. The Board determined that a situation where both units were owner-occupied would be ideal. However, the Board ultimately determined that requiring both units to be owner-occupied would be too restrictive. Instead, the Board determined that one of the units shall be owner-occupied, except that said owner could rent the unit for no more than one year for purposes such as health, employment, or sabbatical. To ensure that the unit does not become a permanent rental, the owner shall be required to reside in the unit for a year in between any rental periods.

The Board discussed a mechanism that would allow the owner occupant an opportunity to approve the potential tenants of the adjacent unit and the terms of any lease. Mr. Ehrgood stated that this was essential to ensure that the owner occupant is given sufficient information about the tenant and to better ensure a harmonious relationship given the shared walls and close proximity. Attorney Reidy stated that an approval of a tenant should not be unreasonably withheld. The Board determined that in the event that either unit is rented at any time that a copy of the signed lease be provided to the Planning Department in case of need for enforcement.

Mr. Ehrgood MOVED to close the evidentiary portion of the public hearing. Ms. Holstein seconded the motion and the Board VOTED unanimously to close the public hearing.

Public Meeting:

The Board found under Section 3.2041 of the Zoning Bylaw, that:

In all districts, the Special Permit Granting Authority or Permit Granting Board, as applicable, shall apply the provisions of Sections 3.2040 and 3.2041 to any construction, renovation, or expansion resulting in the creation of a new two-family detached dwelling or the addition of a single new dwelling unit to an existing single family residence such that a two-family detached dwelling is created. The Board found that the proposed two-family dwelling complies with the standards and conditions of Section 3.2040 and 3.2041 as follows:

- The footprint of the building is 1,674 square feet which is substantially consistent with other single family dwellings in the neighborhood.
- The redesign, particularly with the removal of the garages, results in a much more compatible design with respect to scale, size and orientation and the units share the entire common wall.

- The mere existence of two front doors does not mean that it is not inconsistent with a single family dwelling.

The Board found that the proposed design has an external appearance and footprint substantially consistent, in terms of architecture and massing, with those of a single family dwelling in the neighborhood, as follows:

- The architectural elements and size are similar to the existing single family dwelling directly to the east of the subject property.
- The size of the building is consistent with other single family and multifamily residence in the area.
- The redesign resulting in the creation of a detached garage rather than two garages situated in between the dwelling units is compatible with the external appearance of a single family dwelling.

The Board found under Section 10.38 of the Zoning Bylaw, Specific Findings required of all Special Permits, that:

10.380 & 10.381 - The proposal is suitably located in the neighborhood in which it is proposed and/or the total Town, as deemed appropriate by the Special Permit Granting Authority; The proposal is compatible with existing Uses and other Uses permitted by right in the same District.

The Board found that an owner-occupied two family dwelling will ensure better management of the property and control over the tenant activity and is therefore suitably located within an area containing both single family and multi-family dwellings. The Board found that the architecture of the building is compatible is similar to nearby properties.

10.382, 10.383 & 10.385- The proposal would not constitute a nuisance due to air and water pollution, flood, noise, odor, dust, vibration, lights, or visually offensive structures or site features; The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians; The proposal reasonably protects the adjoining premises against detrimental or offensive uses on the site, including air and water pollution, flood, noise, odor, dust, vibration, lights or visually offensive structures or site features; The Board found that the proposal will not be a nuisance or a substantial inconvenience and reasonable protects adjacent properties as follows:

- All exterior lights are required to be downcast.
- The site will be graded to ensure that any water runoff will be directed into the existing drainage swale on the property.
- Adequate screening is provided to prevent headlights from shining onto the property to the east.
- The design of the structure is compatible with the Design Review Board criteria.
- The driveway was relocated to Potwine Lane and adequate parking and maneuvering areas are provided.

10.384 - Adequate and appropriate facilities would be provided for the proper operation of the proposed use. The garage provides parking for two vehicles as well as areas for the storage of belongings and trash and recycling containers. The proposal includes bulkheads providing access to each of the basement areas. Additionally, the design includes distinct porches and decks for the use by each unit owner.

10.386 & 10.387- The proposal ensures that it is in conformance with the Parking and Sign regulations (Articles 7 and 8, respectively) of this Bylaw; The proposal provides convenient and safe vehicular pedestrian movement within the site, and in relation to adjacent streets, property or improvements. The Board found that the property provides more than the required four parking spaces required for two dwelling units. Additionally, the driveway has been relocated to Potwine Lane in accordance with the requirements of the Town Engineer. The parking area provides

adequate areas for vehicular maneuvering and will comply with the requirements of Article 7. No signs are proposed as part of this application.

10.389 - The proposal provides adequate methods of disposal and/or storage for sewage, refuse, recyclables, and other wastes resulting from the uses permitted or permissible on the site, and methods of drainage for surface water. The trash and recycling will be stored in the garage and within the basement of each unit in the event the garage is not constructed.

10.392 - The proposal provides adequate landscaping, including the screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage. The landscaping as shown on the approved plans shows adequate foundation plantings and includes screening to prevent headlights from shining onto the adjacent property.

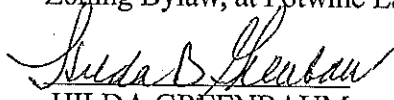
10.393 - The proposal provides protection of adjacent properties by minimizing the intrusion of lighting, including parking lot and exterior lighting, through the use of cut-off luminaires, light shields, lowered height of light poles, screening, or similar solutions. A condition of the permit requires all existing or proposed exterior lighting to be designed and/or arranged to be downcast to prevent the intrusion of lighting onto adjacent properties.

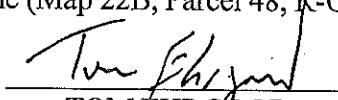
10.398- The proposal is in harmony with the general purpose and intent of this Bylaw, and the goals of the Master Plan. The proposal is in harmony with the general purpose and intent of the Zoning Bylaw for all the reasons listed herein. The proposal is in harmony with the goals of the Master Plan to "encourage medium density development"; "encourage a greater mix of housing types, sizes, and prices serving a wider range of income levels"; and, "encourage the development of economically diverse neighborhoods".

Public Meeting – Zoning Board Decision

Mr. Ehrgood MOVED to approve the application with conditions. Ms. Holstein seconded the motion.

For all of the reasons stated above, the Board VOTED unanimously to grant a Special Permit, ZBA FY2012-00025, to construct a new, owner-occupied two family dwelling under Section 3.321 of the Zoning Bylaw, at Potwine Lane (Map 22B, Parcel 48, R-O Zoning District), with conditions.


HILDA GREENBAUM


TOM EHrgOOD


CAROLYN HOLSTEIN

FILED THIS 21st day of December, 2012 at 11:33 am
in the office of the Amherst Town Clerk Candace J. Berger.

TWENTY-DAY APPEAL period expires, January 10 ²⁰¹³/₂₀₁₂.

NOTICE OF DECISION mailed this 21st day of December, 2012
to the attached list of addresses by Jeffrey R. Bay, for the Board.

COPY OF NO APPEAL issued this _____ day of _____, 2012.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2012,
in the Hampshire County Registry of Deeds.

**BOARD OF APPEALS
AMHERST, MASSACHUSETTS
RECORD OF APPEALS AND DECISION RENDERED**

Petition of Jeremy Ober

For Special Permit, ZBA FY2012-00025, to construct a new two family dwelling under Section 3.321 of the Zoning Bylaw

On the premises of vacant parcel at corner of Potwine Lane and West Street
At or on (Map 22B, Parcel 48, R-O Zoning District)

NOTICE of hearing as follows mailed (date) June 6, 2012
to attached list of addresses and published in the Daily Hampshire Gazette
dated June 13, 2012 and June 20, 2012

Hearing date and place June 21, 2012, July 19, 2012, September 13, 2012, October 2, 2012

The Amherst Zoning Board of Appeals will meet on *Thursday, June 21, 2012*, at 6:30 PM. In the TOWN ROOM, Town Hall, to conduct the following business:
PUBLIC HEARING:
ZBA FY2012-00025 - Jeremy Ober - To construct a new two family dwelling under Section 3.321 of the Zoning Bylaw, at the corner of West Street and Potwine Lane (Map 22B, Parcel 48, R-O Zoning District)
ZBA FY2012-00026 - Marcel Lowy - To establish a veterinary establishment in an existing building under Section 3.357 of the Zoning Bylaw, at 660 West Street (Map 22B, Parcel 15, R-O Zoning District)
BARBARA FORD, CHAIR
AMHERST ZONING BOARD OF APPEALS
June 13, 2012
3221649

SITTING BOARD and VOTE TAKEN:

To **APPROVE** a Special Permit, ZBA FY2012-00025, to construct a new, owner-occupied two family dwelling under Section 3.321 of the Zoning Bylaw, at Potwine Lane (Map 22B, Parcel 48, R-O Zoning District), with conditions

Hilda Greenbaum - Yes Tom Ehrgood - Yes Carolyn Holstein - Yes

DECISION: Application **APPROVED**, with conditions as stated in the decision

THE COMMONWEALTH OF MASSACHUSETTS
AMHERST

City or Town
NOTICE OF SPECIAL PERMIT
Special Permit
(General Laws Chapter 40A)

Notice is hereby given that a Special Permit has been granted

To Jeremy Ober
Address 8 Hockanum Road, Unit 14
City or Town Northampton Ma, 01060

Identify Land Affected: vacant parcel at corner of Potwine Lane and West Street
(Map 22B, Parcel 48, R-O Zoning District)

By the Town of Amherst Zoning Board of Appeals affecting the rights of the owner
with respect to the use of the premises on

Potwine Lane Amherst
Street City or Town

The record of title standing in the name of
Jeremy Ober
Name of Owner

Whose address is 12 Russel Street Hadley Ma 01035
Street City or Town State Zip Code

By a deed duly recorded in the

Hampshire County Registry of Deeds: Book 8519 Page 326
or

Hampshire Registry District of the Land Court, Certificate No. _____,
Book _____, Page _____

The decision of said Board is on file, with the papers, in ZBA FY2012-00025
In the office of the Town Clerk Sandra J. Burgess

Certified this _____ day of _____

Board of Appeals

Sandra J. Burgess Chairman
(Board of Appeals)
Tom Brown Clerk
(Board of Appeals)

_____ at _____ o'clock and _____ minutes _____ m.
Received and entered with the Register of Deeds in the County of Hampshire
Book _____ Page _____

ATTEST _____

Register of Deeds
Notice to be recorded by Land Owner

Town of Amherst Abutter List

<u>Parcel ID</u>	<u>Parcel Address</u>	<u>Owner1</u>	<u>Owner2</u>	<u>Address</u>	<u>City/ST/Zip</u>
22B-48	POTWINE LN	OBER JEREMY		12 RUSSELL ST	HADLEY, MA 01035
22B-27	POTWINE LN	SHEA J E & K A AND CHALMERS J		59 POTWINE LN	Amherst, MA 01002
22B-44	23 POTWINE LN	MENDOKER, SCOTT E & ANN M		23 POTWINE LN	AMHERST, MA 01002
22B-23	24 POTWINE LN	SEYMOUR, STANLEY & RUTH LIFE ESTATE		24 POTWINE LN	AMHERST, MA 01002
22B-22	34 POTWINE LN	CROTTY, JAMES R	CROTTY, PAMELA	34 POTWINE LN	AMHERST, MA 01002
22B-43	35 POTWINE LN	DEPROSSE, NANCY E & STERN, FLORENCE R		35 POTWINE LN	AMHERST, MA 01002
22B-21	44 POTWINE LN	CHASE, LYNN & ET AL		427 BELCHERTOWN RD	AMHERST, MA 01002
22B-47	49 POTWINE LN	SHANOR, ADAM W		35 STEBBINS ST	BELCHERTOWN, MA 01007
22B-28	59 POTWINE LN	SHEA, JOHN E	SHEA, KATHLEEN A & CHALMERS, T & J	59 POTWINE LN	AMHERST, MA 01002
22B-16	POTWINE PL	KENDZIERSKI, JOHN		706 PROSPECT AVE	WEST SPRINGFIELD, MA 01089
22B-41	4 POTWINE PL	COOK, JAMES F & COOK, DONNA M		4 POTWINE PL	AMHERST, MA 01002
22B-1	WEST ST	BRITT, ROBERTA C		6 GRANBY HEIGHTS	GRANBY, MA 01033-9722
22B-46	WEST ST	ETINDE, DIEUDONNE B		730 WEST ST	AMHERST, MA 01002
22D-10	WEST ST	TRUSTEES OF HAMPSHIRE COLLEGE		833 WEST ST	AMHERST, MA 01002

<i>Parcel ID</i>	<i>Parcel Address</i>	<i>Owner1</i>	<i>Owner2</i>	<i>Address</i>	<i>CityStZip</i>
22B-24	WEST ST	TRUSTEES OF HAMPSHIRE COLLEGE		893 WEST ST	AMHERST, MA 01002
22B-15	660 WEST ST	HASSANS BARN LLC		PO BOX 678	AMHERST, MA 01004-0678
22B-33	685 WEST ST	SERVICENET INC		129 KING ST	NORTHAMPTON, MA 01060
22B-25	711 WEST ST	TRUSTEES OF HAMPSHIRE COLLEGE		893 WEST ST	AMHERST, MA 01002
22B-45	730 WEST ST	ETINDE, DIEUDONNE B & GINGER J		730 WEST ST	AMHERST, MA 01002
22B-26	731 WEST ST	TRUSTEES OF HAMPSHIRE COLLEGE		893 WEST ST	AMHERST, MA 01002